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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,297	03/18/2004	Uwe Vogt	CH-8121/LeA 36,628	5718

34947 7590 07/03/2006

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EXAMINER

THOMAS, JAISON P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/803,297	VOGT ET AL.	
	Examiner	Art Unit	
	Jaison P. Thomas	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/13/06
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on March 13, 2006.
2. Claims 1, 3-18, and 21 are pending. Claims 2, 19, 20, and 22 are cancelled. Claims 1, 3-8, 10, 12-18, and 21 are amended.
3. In view of Applicant's amendments to Claim 1, the 35 USC 102(b) rejection of Claims 1-22 as being anticipated by Collins et al. (US Patent No. 5876625) is rendered moot. The rejections of the Claims are withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (US Patent No. 5876625) in view of Virkler et al. (US Patent No. 6350872).

Collins et al. disclose a composition comprising an oxidatively stable bleach catalyst having the structure of the macrocyclic metal complex of applicant's formula 1

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(see abstract). Their preferred compound as disclosed on top of col 3, is the compound IA which is used in the process claimed by applicant in claim 12. Regarding claims 3-11 and 13-15, all of the substituents are disclosed in the abstract and col 2.

In examples 26-30 in columns 24-26 a composition comprising the oxidant hydrogen peroxide and the inventive compounds of formula 1 and 2 are used to oxidize and decolorize extraneous free flowing dyes released from colored fabrics which are washed in a wash liquor.

Thus the transfer of unwanted dyes from one fabric to the other in the wash liquor is prevented as well. The peroxy compounds which may be used with the bleach activator are disclosed in column 8 lines 43-60 and include inorganic and organic compounds containing peroxide linkages: alkali metal perborates as claimed in instant claim 17 and organic peroxides benzoyl and cumene hydroperoxides and peroxymonosulphates as claimed in claim 18.

Collins et al. further teach, in examples 29 and 30, that a fabric that released water soluble dyes into solution was rinsed with hydrogen peroxide and the catalyst. It is a post-dyeing rinse because the fabric had been dyed before rinsing. The dyed textile is the fabric sample in Examples 29 and 30. In example 29, Collins et al. teach treating washed cotton swatches previously dyed with Direct Dye 79.

Collins et al. does not teach methods of dyeing textiles with reactive dyes.

Virkler et al., in the analogous art of dyeing textiles, teach methods of dyeing cellulosic fabrics with direct dyes, specifically Direct Red 79, acid dyes, and reactive dyes in Col 9.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Collins et al. by substituting reactive dyes for Direct Red 79 or acid dyes as taught by Virkler et al. because Virkler et al. teaches the equivalence of efficiently dyeing cellulosic fabrics with either reactive, direct or acid dyes. Furthermore the substitution of art recognized equivalents (i.e. direct dyes such as Direct Red 79, acid dyes and reactive dyes) as shown by Virkler et al. is within the ordinary skill in the art.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JT
Jaison Thomas
Examiner
6/27/2006

Lorna M. Douyon
LORNA M. DOUYON
PRIMARY EXAMINER